

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: May 17, 2003

Cancellation No. 92/041,175

Cancellation No. 92/041,688

GIBSON GUITAR CORP.

v.

J. D'ADDARIO & CO., INC.

(as consolidated)

Andrew P. Baxley, Interlocutory Attorney:

Opposer's motion (filed April 14, 2003) to consolidate the above-referenced proceedings is hereby granted as conceded. See Trademark Rule 2.127(a).

The Board hereby orders the consolidation of the above-referenced proceedings inasmuch as the parties are the same and the two proceedings involve common questions of law or fact.¹ In view thereof, Cancellation Nos. 41,175 and 41,688 are hereby consolidated.

The consolidated cases may be presented on the same record and briefs. See *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) and *Hilson*

¹ When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

Cancellation Nos. 41,175 and 41,688

Research Inc. v. Society for Human Resource Management, 26 USPQ2d 1423 (TTAB 1993).

The Board filed will be maintained in Cancellation No. 41,175 as the "parent" case. As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear both proceeding numbers in its caption. Exceptions to the general rule involve stipulated extensions of the discovery and trial dates, see Trademark Rule 2.121(d), and briefs on the case, see Trademark Rule 2.128.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleading; a copy of the decision shall be placed in each proceeding file.

Discovery and trial dates remain as set in Cancellation No. 41,688, the youngest of the two consolidated proceedings. Such dates are as follows:

DISCOVERY PERIOD TO CLOSE:	9/21/03
Plaintiff's 30-day testimony period to close:	12/20/03
Defendant's 30-day testimony period to close:	2/18/04
15-day rebuttal testimony period to close:	4/3/04